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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**CALIFORNIA HIGH-SPEED RAIL  
AUTHORITY,**

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF  
TRANSPORTATION, et. al.,**

Defendants.

) Case No. 25-cv-02004  
)  
) **FEDERAL DEFENDANTS' OPPOSED**  
) **ADMINISTRATIVE MOTION FOR A STAY OF**  
) **CERTAIN DEADLINES IN LIGHT OF LAPSE**  
) **IN APPROPRIATIONS**  
)  
)  
) Judge: Hon. Dale A. Drozd  
)  
)  
)  
)  
)

Defendants hereby move for a stay of Defendants' October 24, 2025, deadline to respond to Plaintiff's Motion for a Preliminary Injunction (ECF No. 15), in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The Department does not know when such funding will be restored by Congress.

1           2.       The Anti-Deficiency Act requires that absent an appropriation, Department of Justice  
2 attorneys are prohibited from working, even on a voluntary basis, “except for emergencies involving the  
3 safety of human life or the protection of property.” 31 U.S.C. § 1342. The Act specifically states that  
4 “the term ‘emergencies involving the safety of human life or the protection of property’ does not include  
5 ongoing, regular functions of government the suspension of which would not imminently threaten the  
6 safety of human life or the protection of property.” *Id.*

7  
8           3.       Defendants respectfully submit that this case does not present an “emergency” warranting  
9 an exception under the Anti-Deficiency Act. *Id.* Applications for the FSP-National Notice of Funding  
10 Opportunity (NOFO) issued on September 22, 2025, which forms the basis of Plaintiff’s Motion (see ECF  
11 No. 15 at 11–12), do not close until January 7, 2025. *See* Federal Railroad Administration, *FY 2024–2025*  
12 *Notice of Funding Opportunity: FSP National* (September 22, 2025), [https://railroads.dot.gov/elibrary/fy-](https://railroads.dot.gov/elibrary/fy-24-25-NOFO-FSP-national)  
13 [24-25-NOFO-FSP-national](https://railroads.dot.gov/elibrary/fy-24-25-NOFO-FSP-national). The closure of the application window will be followed by an extensive,  
14 likely monthslong review process. *See id.* at 28–35 (outlining FRA’s evaluation criteria and five-part  
15 application review process). Moreover, the \$2.4 billion in funds de-obligated from CHSRA comprises  
16 less than half of the NOFO’s over \$5 billion in grant funding. Because there is no imminent risk that  
17 CHSRA’s funds will be re-obligated, defendants respectfully submit that this case does not present an  
18 emergency under the Anti-Deficiency Act and warrants a stay.  
19

20           4.       Undersigned counsel for the Department of Justice therefore requests a stay of Defendants’  
21 October 24, 2025, deadline to respond to Plaintiff’s Motion for a Preliminary Injunction, ECF No. 15,  
22 until Congress has restored appropriations to the Department.<sup>1</sup>  
23

24  
25  
26           <sup>1</sup> Under the Court’s Minute Order entering the Parties’ joint motion for a briefing schedule as to  
27 Defendants’ Motion to Dismiss, ECF No. 14, Defendants must file their reply in support of the Motion to  
28 Dismiss on or before November 3, 2025. The Government does not seek to stay the November 3 deadline  
at this time, but reserves the right to move depending on the duration of the lapse in appropriations.

1           5.       If this motion for a stay is granted, undersigned counsel will notify the Court as soon as  
2 Congress has appropriated funds for the Department. The Government requests that its deadline to  
3 respond to Plaintiff's Motion for a Preliminary Injunction be extended to fourteen (14) days after the end  
4 of the lapse in appropriations, and that all subsequent deadlines regarding Plaintiff's Motion, ECF No. 15,  
5 be extended commensurately.  
6

7           6.       The Government has conferred with Plaintiff, who opposes the motion.

8           Therefore, although we greatly regret any disruption caused to the Court and the other litigants,  
9 the Government respectfully moves to stay Defendants' October 24, 2025, deadline to respond to  
10 Plaintiff's Motion for a Preliminary Injunction. The Government requests that the new deadline be set for  
11 fourteen (14) days after the lapse in appropriations ends and Department of Justice attorneys are allowed  
12 to resume normal civil litigation activities.  
13

14  
15 DATED: October 14, 2025

Respectfully submitted,

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19 Deputy Assistant Attorney General

20 JOSEPH E. BORSON  
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21 /s/ Kathryn Barragan

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